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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,937

08/18/2003

Binh T. Nguyen

IGT1P280/P-836

4289

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7590

06/18/2009

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EXAMINER

YOO, JASSON H

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

06/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/642,937</p>	<p><b>Applicant(s)</b> NGUYEN ET AL.</p>	
	<p><b>Examiner</b> Jasson H. Yoo</p>	<p><b>Art Unit</b> 3714</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-9, 13-15, 17-26 and 61-64, 67-78.  
Claim(s) withdrawn from consideration: 10-12, 27-29, 65 and 66.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: See Continuation Sheet.

/Peter D. Vo/  
Supervisory Patent Examiner, Art Unit 3714

Continuation of 13. Other: Regarding claims 1-9, 13-15, 17-26, 61-63, 65, 65-68 rejected over Walker'163 in view of Walker'486 and Shulman, Applicant argues that the combined references fails to teach the claim limitation of configuring a first gaming unit for playing in a tournament, when a tournament is in progress and, after an identifier is received of the player, and remaining playing time determine, the gaming machine is enabled to play in a tournament thereby allowing a playing to use the gaming units to join the tournament in progress. However, Walker'163 discloses configuring a first gaming unit for playing in a game comprising loading gaming software (electronic gaming unit 102 loads gaming software for playing a game, cols. 3:63-4:5), after an identifier is received of the player (identifier in the form of a player tracking card, cols. 4:45-49, 6:1-12), determine a playing time duration (col. 6:36-55). More specifically, the play session is based on a fee associated with the player tracking card (i.e. Figs. 5 and 7, cols. 3:6-16). Shulman discloses a method of determining the player to play in a tournament in progress, based on the time remaining in the tournament. More specifically, Shulman discloses a player can join the tournament after observing the tournament that's in progress (paragraphs 12, 16-18, and 31). The player can play in the tournament until the tournament ends. This allows the player to observe the game, including the type of player, their betting habits, and the aggressiveness of their play before joining the tournament (paragraph 16). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163 in view of Walker'486 method of playing a game, and incorporate Shulman's method of playing in a tournament in progress for the time remaining in the tournament, in order to allow a player to participate in a tournament after the player has observed the game. Thus the combination of Walker '163 and Shulman discloses the claim limitation.

Applicant further argues that Shulman is directed to poker tournament and there is no time in a poker tournament. Thus Shulman is completely absent of the concept of both the duration of the time the player may play based on his identifier, and the concept of the time remaining in the tournament in progress. However, a poker tournament inherently must come to an end in order to determine a winner. Furthermore, even though rounds in a game may have different length of play time, they all can be calculated based on time. A game session may comprise multiple rounds or multiple games, and still be based on a time session. Shulman explicitly discloses that a player can enter a tournament in session (abstract, paragraphs 10, 12, 14, 17). Walker'163 explicitly teaches a time base gaming session (cols. 3:6-16, 6:36-55). More specifically, the play session is based on a fee associated with the player tracking card (i.e. Figs. 5 and 7, cols. 3:6-16). Walker'163 provides a clear example where games based on rounds in a game session may comprise different length of play time, but the actual game session may be based on time. For example, as shown in Fig. 2B, the game session is 1 hour, regardless of number of games played within that one hour. Walker'163 also discloses this flat rate may be implemented to poker games (col. 18:7).